

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ACI WORLDWIDE CORP.,

Plaintiff,

v.

KEYBANK NATIONAL ASSOCIATION,
and KEYCORP, Individually and as
Successor in Interest to FIRST NIAGARA
FINANCIAL GROUP, INC.,

Defendants.

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Civil Action No. 17-cv-10662-IT

ORDER

July 5, 2018

TALWANI, D.J.

After considering the Magistrate Judge's June 15, 2018, Report and Recommendation [#89], and noting that there has been no objection, the court hereby ACCEPTS and ADOPTS the Report and Recommendation [#89] for the reasons set forth therein. Defendants' Motion to Dismiss for Failure to State a Claim [#39] is ALLOWED in part and DENIED in part as recommended in the Report and Recommendation [#89]. Specifically, the Motion to Dismiss for Failure to State a Claim [#39] is DENIED as to Count II, Count III, Count VI, and Count VII of the Second Amended Complaint [#36]. The Motion to Dismiss is ALLOWED as to Count VIII.

IT IS SO ORDERED.

/s/ Indira Talwani
United States District Judge